IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.02.2021

CORAM:

THE HON'BLE MR. JUSTICE M.DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

T.C.A.Nos.374 to 376 of 2017

Commissioner of Income Tax,
Ward I (4),
Tirunelveli. ... Appellant in all 3 TCAs

Vs.

M/s.Shifa Hospitals,
82, Kailasapuram Middle Street,
Tirunelveli - 627 001. ... Respondent in all 3 TCAs

Appeals preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "B" Bench, dated 14.12.2016 in I.TA.Nos.1735 to 1737/Mds/2016, Assessment Year 2010-11, 2011-12 & 2012-13, appeal against the order dated 28.03.2014 made in PAN/GIR No.AAUFS1477M on the file of the Income Tax Officer, Ward I (4), Tirnelveli for the Assessment year 2010-2011, 2011-2012 & 2012-2013.

For Appellant (in all 3 TCAs) : Mr.M.Swaminathan
Senior Standing Counsel

For Respondent (in all 3 TCAs) : Mr.T.Vasudevan

COMMON JUDGMENT
(Judgment was delivered by M.DURAISWAMY, J.)

We have heard Mr.M.Swaminathan, learned Senior Standing Counsel for the appellant/Revenue and Mr.T.Vasudevan, learned counsel for the respondent/assessee.

2.The appeals, filed by the Revenue under Section 260A of the Income Tax Act, 1961 (for short, the Act) are directed against the order dated 14.12.2016 made in I.TA.Nos.1735 to 1737/Mds/2016 on the file of the Income Tax Appellate Tribunal, Chennai, "B" Bench (for brevity, the Tribunal) for the Assessment Years 2010-11, 2011-12 & 2012-13.

3.The appeals were admitted on 11.09.2012 on the following substantial questions of law:

> "1)Whether on the facts and circumstances of the case, the Tribunal was right in holding that the revision order passed bythe Commissioner of Income Tax under Section 263 are without concrete findings when the Assessing Officer passed the assessment order without conducting any enquiry on the survey findings?
>
> 2)Whether on the facts and circumstances of the case, the Tribunal was right in quashing the revision order passed under Section 263 wherein the Assessing Officer was directed to redo the assessment after causing necessary enquiries to be made and in accordance with law?
>
> 3)Whether on the facts and circumstances of the case, the Tribunal was right in quashing the revision order passed under Section 263 when the Assessing Officer has passed orders without causing any enquiry on the survey findings of maintaining two set of books, OP consultation and Doctor fee not disclosed in the books of accounts and diversion of unaccounted income of the firm for construction of residential house and such survey findings were admitted by the Managing Partner and the Accountant of the firm in the swon statement recorded during the survey proceedings?"

4.The learned Senior Standing Counsel for the appellant submits that the above appeals are not pursued by the Revenue on account of the Low Tax Effect in terms of Circular No.17/2019 dated 08.08.2019 issued by the Central Board of Direct Taxes. By the said Circular, the monetary limit for filing or pursuing an appeal before the High Court has been increased to Rs.1 crore. It is further submitted that the tax effect in these cases are less than the threshold limit.

5.In the light of the said submissions, the above Tax Case Appeals are dismissed as withdrawn on account of the Low Tax Effect. The substantial questions of law framed are left open. In the event the tax effect in these cases is above the threshold limit fixed in the said Circular, liberty is granted to the Revenue to make a mention to this Court to restore the appeals to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Income Tax Appellate Tribunal,
   Chennai, "B" Bench.

2. The Income Tax Officer,
   Ward I(4),
   Tirunelveli.

+1cc to Mr.M.Swaminathan, Senior Standing Counsel,
SR.No.10239.

T.C.A.Nos.374 to 376 of 2017

LN(CO)
CSR: 08.03.2021